

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

WESTERN DIVISION

CIVIL ACTION NO. 04-11467-MAP

**DOUGLAS DYNAMICS, LLC,
Plaintiff/Judgment Creditor**

**B&P SUPPLY, INC.,
Defendant/Judgment Debtor**

**JUDGMENT CREDITOR'S
SCHEDULE OF FEES CONCERNING
JUDGMENT CREDITOR'S MOTION
TO COMPEL PRODUCTION OF
DOCUMENTS**

I. INTRODUCTION

Pursuant to the Court’s Order dated April 11, 2007, Judgment Creditor Douglas Dynamics, LLC (“Douglas Dynamics”), hereby submits this Schedule of Fees relating to its efforts to obtain documents responsive to Judgment Creditor’s First Set of Document Requests and its preparation and filing of its Motion to Compel Production of Documents.

II. DESCRIPTION AND SCHEDULE OF FEES INCURRED

A. Description of Services

Douglas Dynamics was awarded judgment against B&P Supply, Inc. (“B&P Supply”) in this matter in the amount of \$139,247.93. To date, B&P Supply has paid no portion of the award. After serving Judgment Creditor’s First Set of Document Requests on B&P Supply on January 23, 2007, counsel for Douglas Dynamics placed two telephone calls and wrote a letter to B&P Supply’s counsel of record, Jack E. Houghton, Jr. concerning B&P Supply’s failure to respond or produce documents responsive to Judgment Creditor’s First Set of Document Requests. On March 29, 2007, Douglas Dynamics filed its Motion to Compel Production of Documents. It was not until April 9, 2007 that B&P Supply produced some, but not all, of the documents requested

in Judgment Creditor's First Set of Document Requests.¹ In Defendant's Opposition to Motion to Compel, B&P Supply provided no reason for B&P Supply and Mr. Houghton's complete failure to respond to Douglas Dynamics' counsel's telephone calls, letter and Judgment Creditor's First Set of Document Requests. By order dated April 11, 2007, the Court (Neiman, J.) deemed moot so much of Judgment Creditor's Motion to Compel as sought the production of documents and granted so much of Judgment Creditor's Motion to Compel as sought the payment of costs and fees incurred by Douglas Dynamics in pursuing the motion.

B. Attorneys' Fees Incurred

Based on usual and normal hourly billing rates, the attorneys' fees incurred in rendering these services total \$1,014.00. The Affidavit of Jennifer K. Cannon, filed simultaneously herewith, attests to the attorneys' fees incurred by Douglas Dynamics in the efforts to obtain documents responsive to Judgment Creditor's First Set of Document Requests. The following is a summary of the hours worked and the rate of the attorneys engaged in this endeavor:

ATTORNEY	DESCRIPTION	HOURS	RATE	FEES
Jennifer K. Cannon	Draft letter to Mr. Houghton; draft motion to compel and affidavit of counsel; finalize and file motion to compel and affidavit of counsel.	4.4	\$195/hour	\$ 858.00
Jeffrey E. Poindexter	Review and revise draft motion to compel.	0.6	\$260/hour	\$ 156.00
				\$ 1,014.00

¹ Because B&P Supply did not produce all of the requested documents, Douglas Dynamics will likely incur additional costs in regard to its First Set of Document Requests, costs that are not included in the attorneys' fees stated in this Schedule of Fees.

III. CONCLUSION

Judgment Creditor Douglas Dynamics, LLC respectfully requests that the Court order Judgment Debtor B&P Supply, Inc. and Jack E. Houghton, Jr., counsel for B&P Supply, Inc. to remit payment, jointly and severally, to Judgment Creditor Douglas Dynamics, LLC in the amount of \$1,014.00 within thirty (30) days of the Court's Order.

Dated: April 20, 2007

/s/ Jennifer K. Cannon

Jeffrey E. Poindexter - BBO No. 631922

Jennifer K. Cannon – BBO No. 664431

Bulkley, Richardson and Gelinas, LLP

1500 Main Street, Suite 2700

Springfield, MA 01115

Tel: (413) 781-2820

Fax: (413) 272-6805

Email: jpoindexter@bulkley.com

Email: jcannon@bulkley.com

Certificate of Service

I hereby certify that a true copy of the foregoing document was served upon the attorney(s) of record through the Court's CM/ECF system on April 20, 2007.

/s/ Jennifer K. Cannon

Jennifer K. Cannon

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AFFIDAVIT OF COUNSEL

I, Jennifer K. Cannon, hereby depose and state as follows:

1. I am an attorney with Bulkley, Richardson and Gelinas, LLP (the “Firm”) where I have worked as an attorney since 2005. I was admitted to practice law in the Commonwealth of Massachusetts in 2005 and have been a member in good standing since that time. I have been a member in good standing of the bars of the Commonwealth of Virginia and the District of Columbia since 2000 and 2001, respectively.

2. This Firm has been retained by judgment creditor Douglas Dynamics, LLC (“Douglas Dynamics”) to serve as counsel in the above-referenced matter. I have been fully involved in all aspects of this litigation on behalf of Douglas Dynamics over the past four months, including our efforts to obtain discovery regarding the assets of B&P Supply, Inc., and I accordingly make this affidavit on firsthand knowledge and based upon information provided to me in the course of the litigation.

3. Pursuant to the Order of Magistrate Judge Kenneth P. Neiman dated April 11, 2007, Douglas Dynamics was granted fees relating to the pursuit of its Motion to Compel Production of Documents.

4. Jeffrey E. Poindexter is a partner in the Firm and has been associated with the Firm since 1995. He was admitted to practice law in the Commonwealth of Massachusetts in 1996 and

has been a member of the bar in good standing since that time. Mr. Poindexter is also a member in good standing of the bar of the state of Maryland.

5. Douglas Dynamics' attorneys' fees incurred in its efforts to obtain production of documents responsive to Judgment Creditor's First Set of Document Requests totals \$1,014.00, consisting of 4.4 hours billed by me at a rate of \$195 per hour and 0.6 hours billed by Mr. Poindexter at a rate of \$260 per hour.

6. The services provided by me for which the Schedule of Fees is submitted are: drafting of a letter to Mr. Houghton; drafting of a motion to compel and affidavit of counsel; and finalization and filing of a motion to compel and affidavit of counsel.

7. The services provided by Mr. Poindexter for which the Schedule of Fees is submitted are: review and revision of a draft motion to compel.

8. All services for which the Schedule of Fees is submitted were actually and necessarily performed. The hourly rates charged by the Firm in this matter were reasonable. Those rates are consistent with the rates charged in the community for similar work by attorneys with similar experience.

Signed under the penalties of perjury this 20th day of April 2007.

/s/ Jennifer K. Cannon

Jennifer K. Cannon